

FILED
JAMES L. LORNI
CLERK

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

MAY -1 AM 11:30

TED MARCUM,

: CASE NO. 02-CV-425

PETITIONER,

: HONORABLE JUDGE HERMAN WEBER

VS.

OHIO ADULT PAROLE AUTHORITY, MOTION REQUESTING TO CONDUCT
RESPONDENT. : AN EVIDENTIARY HEARING

NOW COMES THE PETITIONER, TED MARCUM, WHO RESPECT-
FULLY MOVES THIS HONORABLE COURT TO CONDUCT AN "EVIDEN-
TIALLY HEARING" IN THIS HABEAS CORPUS PROCEEDING.

ALTERNATIVELY, PETITIONER RESPECTFULLY MOVES THE COURT
TO FORTHWITH ISSUE THE WRIT ON GROUNDS THAT PETITIONER
HAS DEMONSTRATED IN HIS PETITION FOR HABEAS CORPUS RELIEF,
THAT HIS 6TH AND 14TH AMENDMENT RIGHTS WERE VIOLATED
AT TRIAL, AND ON DIRECT APPEAL., AND, FURTHER, IT
APPEARING TO THE COURT THAT THE PETITIONER HAS DEMONSTRATED
IN HIS PETITION: THAT A "FUNDAMENTAL MISCARRIAGE OF
JUSTICE" HAS OCCURED, AND IS SHOWN BY: "CLEAR AND
CONVINCING EVIDENCE," AUTHORIZES THE COURT TO GRANT
"EQUITABLE RELIEF" ON BEHALF OF THE PETITIONER.

VERY RESPECTFULLY SUBMITTED,

Ted Marcum

TED MARCUM, (PETITIONER)

239 NORTH NINTH STREET

HAMILTON, OHIO 45011

(2)

AFFIDAVIT UNDER PENALTY OF PERJURY

NOW COMES THE AFFIANT/PETITIONER, TED MARCUM, WHO DOES HEREBY DECLARES, UNDER DECLARATION OF PENALTY OF PERJURY, THAT: (1) HE IS ENTITLED TO AN EVIDENTIARY HEARING., (2) PETITIONER DECLARES, UNDER PENALTY OF PERJURY, THAT HIS 6TH AND 14TH AMENDMENT RIGHTS WERE VIOLATED AT TRIAL, AND ON DIRECT APPEAL, WHICH PREJUDICIALLY DEPRIVED THE PETITIONER OF HIS FUNDAMENTAL CONSTITUTIONAL RIGHTS TO A FAIR TRIAL AND TO THE EFFECTIVE ASSISTANCE OF COUNSEL AT TRIAL AND ON DIRECT APPEAL., AND (3) PETITIONER DECLARES, UNDER DECLARATION OF PENALTY OF PERJURY... THAT THE ABOVE TWO CONSTITUTIONAL VIOLATIONS WERE DEMONSTRATED IN THE PETITION FOR HABEAS CORPUS RELIEF BY: "CLEAR AND CONVINCING EVIDENCE," IN WHICH AUTHORIZES THE COURT TO ISSUE THE WRIT., AND IN ORDER TO "CORRECT" A "FUNDAMENTAL MISCARRIAGE OF JUSTICE," OR TO GRANT ANY OTHER "APPROPRIATE RELIEF," INCLUDING "EQUITABLE RELIEF," ON BEHALF OF THE PETITIONER. SO SWORN ON THE 24TH DAY OF APRIL, 2007.

APRIL 24, 2007Ted Marcum

EXECUTED ON

TED MARCUM

239 NORTH NINTH STREET
HAMILTON, OHIO 45011

PHONE (513) 887-1235

(3)

CERTIFICATE OF SERVICE

THIS IS HEREBY TO VERIFY THAT A TRUE
AND EXACT PHOTO COPY OF THE ABOVE FORGOING MOTION
FOR AN "EVIDENTIARY HEARING" AND "AFFIDAVIT,"
HAD BEEN SENT TO MR. MARC DANN, OHIO ATTORNEY
GENERAL, 910 STATE OFFICE TOWER, 30 EAST BROAD ST.,
17TH FLOOR, COLUMBUS, OHIO 43215, ON THE 25TH DAY
OF APRIL, 2007, BY: REGULAR U.S. MAIL, POSTAGE
PREAFFIXED.

Ted Marcum

TED MARCUM (PETITIONER)
239 NORTH NINTH STREET
HAMILTON, OHIO 45011

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